

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA *EX REL.* :
LOTHAR E.S. BUDIKE, SR. :
v. : CIVIL ACTION
PECO ENERGY, ET AL. : NO. 07-4147

O R D E R

AND NOW, this 13th day of September, 2012, upon consideration of Defendants PECO Energy Company, Philadelphia Regional Port Authority and General Dynamics American Overseas Marine's Motions To Dismiss the Amended Complaint (ECF Nos. 43-45), and all papers submitted in support thereof and in opposition thereto, it is **ORDERED** as follows:

1. Defendant General Dynamics American Overseas Marine's Motion To Dismiss Count I of the Amended Complaint is **GRANTED** without prejudice.
2. Defendant PECO Energy Company Motion To Dismiss Count I of the Amended Complaint is **GRANTED** without prejudice with respect to the Section 3729(a)(7) claim.
3. Defendants PECO Energy Company, Philadelphia Regional Port Authority and General Dynamics American Overseas Marine's Motions to Dismiss Count II of the Amended Complaint are **GRANTED** with prejudice.
4. Defendants PECO Energy Company, Philadelphia Regional Port Authority and General Dynamics American Overseas Marine's Motions to Dismiss Count III of the Amended Complaint are **GRANTED** with prejudice.

5. Defendant Philadelphia Regional Port Authority's Motion to Dismiss Count I on grounds of sovereign immunity is **GRANTED** with prejudice.
6. In all other respects, Defendants PECO Energy Company, Philadelphia Regional Port Authority and General Dynamics American Overseas Marine's Motions To Dismiss are **DENIED**.

IT IS SO ORDERED.

BY THE COURT:



R. BARCLAY SURRICK, J.